The following comments are submitted on behalf of the **Information Technology Group of The New York Public Library,** ("NYPL") in reference to the Federal Communications Commission ("FCC") Notice of Proposed Rulemaking ("NPRM") regarding the Universal Service Program. (CC Docket No. 02-6, FCC 03-101)

Computerized Eligible Service List

NYPL raises the following concerns regarding an online eligible service list with brand name products in telecommunications services and Internet access categories:

-Such a list should not be allowed to bias eligibility decisions. For example, it should not be more difficult for applicants to get approval for brands that are not on the approved list.

-By its nature a 'safe harbor' is likely to bias application decisions to some degree. Given comparable choices, what applicant would not be inclined to choose to eliminate its risk by selecting a vendor on the 'safe' list.

-Telecommunications providers such as Verizon change brand names for the same or very similar service on a fairly regular basis. Applicants should not have to bear the burden of keeping track of these constant re-marketing efforts. For example, when an applicant signs up for a particular service at a particular time, the service has a particular brand name. Over the years that the service is continued, the service is billed to the applicant based on the brand name under which the service was first purchased. However during that time, the brand name for the same service could change numerous times. The applicant should not have to continually determine what the latest brand name is on the 'safe' list.

Other Measures to Prevent Waste, Fraud, and Abuse

Changing Service Providers Post-Debarment

In relation to the proposal to change service providers post-debarment, we raise the question: After a vendor is debarred, is it likely that an applicant will get approval for a project with that debarred vendor at all, let alone the chance to change vendors after approval? Applicants that have had no involvement in or knowledge of the fraudulent activities between a vendor and an unknown third-party are often penalized for, and the innocent victims of the actions of the unrelated fraudulent parties. For example, in the recent IBM investigation, even those applicants that included minor IBM internal connections projects (ie. 1% of an application or projects totaling only a few thousand dollars) in their

applications, did not typically receive an award for their entire Year 5 application until the last few months of the program year. Sometimes application approval came only after applicants cancelled IBM projects altogether.

As such, it is our opinion that applicants should be able to submit a request for a SPIN change before an application is approved in order to get the ball rolling, to save valuable project implementation time, and to limit any negative connection with a debarred vendor as much as possible. It is not clear why merely submitting a request for a SPIN change would undermine an SLD investigation into the original application process. The data and documentation from the original application process will not change. The SLD certainly does not have to approve a particular project until its investigation into complicity has been finished.

In terms of allowing applicants to change service providers up until the last date for invoices, this is a reasonable deadline as long as the applicant has received its award with enough time to complete the required award acceptance paperwork before the last date for invoices. For example, if an award is not received until June 10th and the last day for invoices is June 30th, this is not sufficient time to accept the award through the 486 process, have the 486 approved by the SLD and also submit a SPIN change.

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